

Appl. No. 09/731,264
Amdt. dated July 11, 2003
Preliminary Amendment

PATENT

REMARKS/ARGUMENTS

Claims 1-2 and 7-8 have been amended; claims 14-19 have been added and claims 3-6 and 9-13 remain unchanged. Thus, claims 1-19 are pending.

Claims 1 and 3 stand rejected under 35 U.S.C. 102(b) as being anticipated by Yoshida et al. (JP 11-138418).

Claims 5 and 6 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshida.

Claims 7, 9 and 11-13 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshida and further in view of Woo (USP 5,816,891).

Claims 2, 4, 8 and 10 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshida or Yoshida/Woo and further in view of admitted prior art.

Claims 1 and 7 stand rejected under 35 U.S.C. 112, first paragraph, as containing subject matter not described in the specification.

As amended, all the pending claims of the subject application comply with all requirements of 35 U.S.C. Accordingly, Applicant requests examination and allowance of all pending claims.

Comments

Independent claims 1 and 7 have been amended to cancel the limitation related to the substrate not being conditioned between the claimed first and second polishing steps. Applicants strongly disagree with the Examiner's Section 112 new matter rejection on this issue but have amended the claims to expedite prosecution.

Claims 1 and 7 have also been amended to recite that the claimed first and second polishing steps employ a cerium-based slurry. Support for this limitation exists in the Specification as originally filed, for example, at least at page 4, lines 4-17. The primary reference, Yoshida, does not teach the use of a cerium-based slurry. Accordingly, it can be appreciated that Yoshida does not anticipate any of the pending claims. Furthermore, the sole reason the Yoshida reference inserts a rinse step between the two polishing steps is to allow the pad to be conditioned (i.e., "roughened") to prevent the polishing surface of the pad from clogging before the end of the polishing process. Thus, the slurry used in the CMP process of Yoshida is a slurry that is highly susceptible to clogging.

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A skilled artisan will recognize that cerium-based slurries are not highly susceptible to clogging. Thus, the skilled artisan would recognize that there is no need to use the teaching of Yoshida et al. in a polishing process that employs a cerium-based slurry. Accordingly, Applicants respectfully assert that claims 1 and 7 are patentable over Yoshida et al.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,



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